

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

NETCHOICE, LLC,

Plaintiff,

v.

LYNN FITCH, in her official capacity as
Attorney General of Mississippi,

Defendant.

Civil Action No. 1:24-CV-00170-HSO-BWR

**PLAINTIFF NETCHOICE’S UNOPPOSED MOTION FOR LEAVE
TO FILE AMENDED COMPLAINT**

Plaintiff NetChoice, LLC respectfully moves for leave to file the accompanying Amended Complaint. Plaintiff’s counsel conferred with Defendant’s counsel, and Defendant does *not* oppose the relief requested in this Motion.

“The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). That lenient standard is met here. Since NetChoice filed its complaint last year, the Supreme Court decided *Moody v. NetChoice, LLC*, 603 U.S. 707 (2024), and the Fifth Circuit decided an appeal of this Court’s preliminary injunction order in this case, *NetChoice, L.L.C. v. Fitch*, 2025 WL 1135279 (5th Cir. Apr. 17, 2025). Permitting NetChoice to file an amended complaint would allow NetChoice to add *as-applied* claims solely for NetChoice’s regulated members that do not require the facial-challenge analysis contemplated by the Fifth Circuit’s opinion.

Furthermore, permitting NetChoice to file an amended complaint would not cause Defendant prejudice, as Defendant does not oppose the relief requested in this motion. And allowing NetChoice to amend its complaint will not interfere with any ongoing proceedings in this Court, as proceedings in this Court were stayed on July 22, 2024. ECF 43-44.

Accordingly, NetChoice respectfully requests that this Court grant NetChoice leave to file the accompanying amended complaint.

Plaintiff's counsel will transmit a Proposed Order to Chambers concurrently with the filing of this Motion, pursuant to L.U. Civ. R. 7(b)(2)(F).

Dated: May 2, 2025

Respectfully submitted,

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Attorneys for Plaintiff NetChoice, LLC

Certificate of Service

I hereby certify that on May 2, 2025, a true and correct copy of the foregoing Motion was electronically filed with the Clerk of Court using the CM/ECF system which will send notification to all counsel of record.

/s/ J. William Manuel

J. William Manuel (MBN. 9891)